

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**Randall A. Otto**  
7820 Frederick Place  
Dayton, OH 45414

Plaintiff,

vs.

**United States Army**  
50 Third Avenue, Bldg 1310  
Suite 322  
Fort Knox, KY 40121

Defendant.

:

: Case No.:

: Judge:

:

:

:

:

**COMPLAINT FOR PERSONAL  
INJURIES; FEDERAL TORT CLAIM**

---

**FIRST CLAIM FOR RELIEF**

1. This action arises under 28 U.S.C. § 2671 et seq. The jurisdiction of this Court is based upon 28 U.S.C. § 1346.

2. Defendant is the United States of America, as liable for the acts complained of here of its agent, the Department of the Army of the United States of America.

3. On or about April 27, 2023, Plaintiff, Randall A. Otto (hereafter “Plaintiff”), was operating a motor vehicle owned by Plaintiff, traveling in a northeast bound direction on State Route 444, in Bath Township, Greene County, Ohio, when an agent of Defendant, United States Army (hereafter “Defendant”), who was also operating a motor vehicle, owned by the 88<sup>th</sup> Readiness Division, traveling in a northeast bound direction on State Route 444, negligently failed to maintain an assured clear distance ahead thereby striking a vehicle which was then pushed into Plaintiff’s vehicle.

4. As the proximate result of the negligence of Defendant, Plaintiff sustained injuries and damages as follows:

- a. Bodily injuries including but not limited to mid to lower back pain;

- b. Great pain and suffering, both physical and emotional, and loss of ability to perform usual functions and the injuries will cause further pain and suffering and loss of ability to perform usual functions in the future;
- c. Reasonable and necessary medical expenses in excess of \$14,171.15 for medical treatment through September of 2023, as well as further medical expenses to be incurred in the future;
- d. Property damage in an amount in excess of \$1,209.65 for which there was no insurance coverage applicable;

5. The aforesaid negligence of Defendant was the direct and proximate cause of the injuries and damages to Plaintiff.

6. Plaintiff filed an administrative claim with the Department of the Army on January 24, 2024, which included a signed (1/23/24) Form 95 and settlement package, by U.S. mail, and a second copy was sent by certified mail on February 18, 2025, and no response has been received.

**WHEREFORE**, Plaintiff, Randall A. Otto, demands judgment for compensatory damages against Defendant, United States Army, pursuant to Plaintiff's submitted Standard Form 95, for property damage in the amount of \$1,209.65, and personal injury of \$44,628.15, and such other and further relief that appears reasonable, and costs herein.

Respectfully submitted,

DYER, GAROFALO, MANN & SCHULTZ

/s/ Kenneth J. Ignozzi

Kenneth J. Ignozzi, Esq. (0055431)

Attorney for Plaintiff

131 N. Ludlow Street, Suite 1400

Dayton, Ohio 45402

Phone: (937) 223-8888

Fax: (937) 223-0127

kignozzi@dgmslaw.com